

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1228-E -- ORDER NO. 95-1725 ✓
DECEMBER 7, 1995

IN RE: Petition of South Carolina Generating) ORDER
Company, Inc. a/k/a GENCO, Inc. for) APPROVING
Approval of Transfer of Property to) TRANSFER
Berkeley County Water and Sanitation) OF
Authority.) PROPERTY

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition of South Carolina Generating Company, Inc. a/k/a GENCO, Inc. ("GENCO" or the "Company") requesting approval of the transfer of one parcel of real property to the Berkeley County Water and Sanitation Authority.

On November 30, 1995, GENCO filed a Petition with the Commission requesting approval of the transfer of property to the Berkeley County Water and Sanitation Authority. The property in question consists of a parcel of land of 61.13 acres located in the County of Berkeley in South Carolina. The Petition was filed pursuant to S.C. Code Ann., Subsection §58-27-1300 (1976), as amended.

On December 5, 1995, the Commission reviewed this Petition as part of its weekly agenda.

Verified testimony with exhibits prepared by Van B. Hoffman, Supervisor of Land Management, was provided to the Commission in

support of the Company's Petition. Mr. Hoffman's testimony stated that the property to be sold is a portion of utility property acquired in conjunction with development of GENCO's ash disposal project near Williams Station. The property has been and is classified as utility property. This property consisting of 61.13 acres is under pending sale to the Berkeley County Water and Sanitation Authority for the amount of \$122,000 or \$1,995 per acre, the appraised market value.

Mr. Hoffman's testimony further stated that the subject property in this proposed sale is buffer land for GENCO's proposed ash disposal site that has been recently permitted by DHEC. Additionally, over 50% of subject property is encumbered with a conservation easement on all existing wetlands in that area as documented in a Restrictive Covenant dated February 26, 1993, and recorded in the Berkeley County RMC Office in Book 244 at page 201. This conservation easement was part of the mitigation for the permitting process of DHEC and remains as an encumbrance on the title.

According to Mr. Hoffman's testimony, on August 10, 1995, GENCO entered into a Right to Entry Agreement regarding the subject property with Berkeley County Water and Sanitation Authority for purposes of constructing drainage ditches and swales along with associated silt fences, fiberglass matting, and stone placement for erosion control on non-wetland acreage for the Berkeley County

Water & Sanitation Authority Land Improvement Project No. 2584-1, dated April 1995. This project involves the expansion of the existing Berkeley County Sanitary Land Fill.

Mr. Hoffman's testimony stated that in order for Berkeley County Water and Sanitation Authority to freely utilize its landfill site as presently permitted by DHEC, it is necessary for the Authority to secure the subject property of 61.13 acres from GENCO in order to provide a required buffer zone for its landfill site.

Mr. Hoffman's testimony averred that Berkeley County Water and Sanitation Authority requires this property to serve the public interest of Berkeley County with respect to its sanitary landfill needs and has requested expediting of the closing proceeding in a timely manner. This, in turn, is dependent on Commission approval of the land sale transaction proposed herein.

According to Mr. Hoffman's testimony, GENCO also wishes to expedite the completion of its proposed land sale to the Berkeley County Water and Sanitation Authority as efficiently and smoothly as possible in order to facilitate the public interest of Berkeley County. Accordingly, Mr. Hoffman's testimony concluded that the Company respectfully requests the Commission to approve this land transfer.

Pursuant to PSC Order No. 92-931, dated November 13, 1992, the Company is required to provide a 30-day public notice of the availability of the property for public sale. The Company

respectfully requests a waiver of this requirement for this special circumstance for reasons explained above.

Further, the Company requests that, due to the fact that it has filed verified testimony, that the Commission meeting of December 5, 1995, constitute the due hearing required by S.C. Code Ann. Section §58-27-1300 (Supp. 1994).

Upon review of the testimony presented before the Commission, GENCO's Petition, and the applicable law, the Commission makes the following findings of fact and conclusion of law:

1. The Company is a public utility engaged in the generation of electric energy in Berkeley County, South Carolina.

2. The property to be sold consists of one parcel of real estate of 61.13 acres, which is located in Berkeley County, South Carolina.

3. Pursuant to S.C. Code Ann., Subsection §58-27-1300 (1976), as amended, the Commission finds and concludes that the transfer of the property is in the interest of the public, and therefore, approves the transfer of subject property to the Berkeley County Water and Sanitation Authority.

4. That the notice provisions of Order No. 92-931 be waived, due to the urgency of this request and the fact that the land is to be sold above market value.

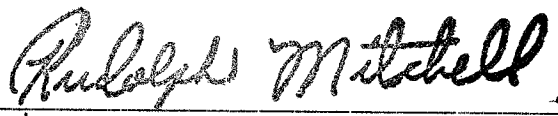
5. That due to the fact that the Company filed its verified testimony, the "due hearing" required by S.C. Code Ann. Section

§58-27-1300 (Supp. 1994) shall consist of the Commission meeting in which this matter was discussed, in this case.

6. This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)